

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

FILED

DEC 2 2015

WORKERS' COMPENSATION

FRANCISCO MANCILLA RUIZ,

Claimant,

vs.

REVSTONE CASTING INDUSTRIES,
LLC,

Employer,

and

TRAVELERS INDEMNITY CO. OF CT.,

Insurance Carrier,

and

SECOND INJURY FUND OF IOWA,

Defendants.

File Nos. 5041967, 5050063, 5050064

A P P E A L

D E C I S I O N

Head Note Nos.: 1402.30, 2208, 2401

Claimant Francisco Mancilla Ruiz appeals from an arbitration decision filed September 9, 2014. The case was heard on May 9, 2014, and it was considered fully submitted on June 27, 2014, in front of the deputy workers' compensation commissioner.

The deputy commissioner determined claimant failed to carry his burden of proof that he sustained a hearing loss and a back injury on September 30, 2011. The deputy commissioner also determined that while claimant did carry his burden of proof that he sustained bilateral carpal tunnel syndrome on September 30, 2011, defendants carried their burden of proof to establish that the bilateral upper extremity claim is barred by the 90-day notice defense under Iowa Code section 85.23.

Claimant asserts on appeal that the deputy commissioner erred in determining claimant failed to carry his burden of proof that he sustained a hearing loss and a back injury on September 30, 2011. Claimant also asserts the deputy commissioner erred in determining defendants carried their burden of proof to establish that the bilateral upper extremity claim is barred by the 90-day notice defense under Iowa Code section 85.23.

Defendants assert that the findings of the deputy commissioner should be affirmed on appeal.

Having performed a de novo review of the evidentiary record and the detailed arguments of the parties, I reach the same analysis, findings and conclusions as those reached by the deputy commissioner.

Pursuant to Iowa Code sections 86.24 and 17A.5, I affirm and adopt as the final agency decision those portions of the proposed arbitration decision filed on September 9, 2014, that relate to issues properly raised on intra-agency appeal without additional comment.

ORDER

IT IS THEREFORE ORDERED that the arbitration decision of September 9, 2014, is affirmed in its entirety.

Claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

Signed and filed this 2nd day of December, 2015.



JOSEPH S. CORTESE II
WORKERS' COMPENSATION
COMMISSIONER

Copies to:

Jeremy Flaming
Attorney at Law
PO Box 2564
Iowa City, IA 52244
info@hoeferlaw.com
jeremy@hoeferlaw.com

James W. Bryan
Attorney at Law
7131 Vista Dr.
West Des Moines, IA 50266
jbryan@travelers.com

Jonathan Bergman
Assistant Attorney General
Special Litigation
Hoover State Office Bldg.
Des Moines, IA 50319-0106
Jonathan.bergman@iowa.gov